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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON
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7 MICHAEL KIRBY,

8 Plaintiff,

9 vs.

10 JAMES MARSHALL and CITY OF
11 EAST WENATCHEE,

12 Defendants.
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)
) No. CV-12-190-JLQ

) ORDER RE: DISMISSAL
) OF CLAIMS
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14 The parties have notified the court that the above-captioned matter has been settled
15 in its entirety. On July 18, 2012, the parties filed a Stipulated Motion for Voluntary
16 Dismissal of Claims as against Defendant Marshall. On July 19, 2013, Plaintiff and
17 Defendant City of East Wenatchee have filed a Notice of Settlement indicating that “[a]
18 stipulated order of dismissal [as to the claims against the City] will be filed upon
19 execution of a written release and tender of settlement proceeds.” It has been over a
20 month and no motion to dismiss has been filed as to the claims against the City.

21 Accordingly, pursuant to the Stipulated Motion for Voluntary Dismissal of Claims
22 against Defendant James Marshall (**ECF No. 190**) and the stated agreement of the
23 parties, the Motion for Voluntary Dismissal is **GRANTED**. The remaining claims
24 asserted in the Second Amended Complaint (ECF No. 70) against Defendant James
25 Marshall will be dismissed with prejudice upon entry of final judgment.

26 Entry of final judgment will await the Plaintiff and City’s filing of a stipulated
27 motion to dismiss by no later than **September 9, 2013**. If any valid reason exists for a
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1 delay in this date, counsel shall file an appropriate motion including any reason that
2 would warrant the court in extending this much delayed matter.

3 All pending motions are **denied** as moot and all hearings are stricken.

4 The Clerk shall enter this Order and provide copies to counsel.

5 Dated this 23rd day of August, 2013.

6 s/ Justin L. Quackenbush
7 JUSTIN L. QUACKENBUSH
8 SENIOR UNITED STATES DISTRICT JUDGE
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